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18   UNITED STATES DISTRICT COURT

19   NORTHERN DISTRICT OF CALIFORNIA

20   SAN FRANCISCO DIVISION

21 ORACLE AMERICA, INC.   Case No. CV 10-03561 WHA

22   Plaintiff,   **ORACLE STATEMENT
                                            REGARDING J2SE 5.0
23   v.   SPECIFICATION LICENSE
                                            (TX610.1)**
24 GOOGLE INC.

25   Defendant.

26   Dept.: Courtroom 8, 19th Floor
                                            Judge: Honorable William H. Alsup

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This morning, the Court asked the parties where the capitalized word "Specification" in the Specification License (TX610.1) is defined. As the Court noted, the formal definition of "Specification" is contained in the first line of the document:

> **Specification: JAVA 2 PLATFORM STANDARD EDITION DEVELOPMENT KIT 5.0 Specification ("Specification")**

(TX610.1.)

Of particular relevance here, however, is that this is the Specification License for the Java 2 SE 5.0 API "Specification"—the same API specification of which Google claims Android is an implementation.

Sun and Oracle have included versions of this license in all releases of the Java API Specification from 1996 to the present, including on the copyright notice page of the book versions of the Java API Specification. *See* THE JAVA™ APPLICATION PROGRAMMING INTERFACE, VOLUME 1: CORE PACKAGES (1996) (TX 980) at 6 (copyright page); THE JAVA™ APPLICATION PROGRAMMING INTERFACE, VOLUME 2: WINDOW TOOLKIT AND APPLETS (1996) (TX 981) at 5 (copyright page).

Confirmation that the "Specification" referred to in the definitional language of the license includes the API Specification may be seen most readily by examining the JDK 5.0 documentation. This documentation was submitted as TX 610.2. The documentation includes the license agreement itself and also links to it from portions of the documentation. One of those links is from the Java 2 Platform Standard Edition 5.0 API Specification, which is also part of TX 610.2.

Dated: May 2, 2012   MORRISON & FOERSTER LLP

                                           By: /s/ Michael A. Jacobs

                                           Attorneys for Plaintiff
                                           ORACLE AMERICA, INC.

ORACLE STATEMENT REGARDING J2SE 5.0 SPECIFICATION LICENSE (TX610.1)
CASE NO. CV 10-03561 WHA
pa-1526875

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